

**FOURTH DAY**

(Continued)

(Wednesday, July 1, 1959)

**After Recess**

The Senate met at 10:30 o'clock a.m., and was called to order by the President.

**Leave of Absence**

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

**Report of Standing Committee**

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
July 1, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 19, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

**Senate Bill 19 Ordered Not Printed**

On motion of Senator Dies and by unanimous consent S. B. No. 19 was ordered not printed.

**Reports of Standing Committee**

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,  
July 1, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 10, has had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
July 1, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred S. B.

No. 20, has had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
July 1, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 13, has had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
July 1, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 9, has had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

**Senate Bill 9 Ordered Not Printed**

On motion of Senator Baker and by unanimous consent S. B. No. 9 was ordered not printed.

**Senate Bill 20 Ordered Not Printed**

On motion of Senator Moffett and by unanimous consent S. B. No. 20 was ordered not printed.

**Senate Bill 22 on First Reading**

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 22, A bill to be Entitled "An Act amending sub-sections (c), (d), (e), (h), and (i) of Article 908, of the Penal Code of Texas, 1925, as amended, relating to hunting on game preserves for pay; and declaring an emergency."

To the Committee on Game and Fish.

**Senate Bill 12 on Second Reading**

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 12, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59 of the Constitution, comprising certain territory within the state to be known as 'Williamson County Water Supply District'; prohibiting the levy and collection of any form of tax; etc., and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend Senate Bill 12 by striking out Section 4 thereof and inserting in lieu thereof the following:

"Section 4. All powers of the District shall be exercised by a Board consisting of nine directors, all of whom shall be freehold property tax payers and legal voters of the State of Texas and residents of Williamson County, Texas. Each director shall be appointed by the Governor of the State and such appointment shall be confirmed by the Senate. As soon as practicable after the passage of this Act, three directors shall be appointed for the term of two years; three directors shall be appointed for a term of four years; and three directors shall be appointed for a term of six years; and upon the expiration of the respective terms of said directors, the successors of each and all of them shall be appointed thereafter for a period of six years. Directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors, the same shall be filled in a like manner by the Governor for the unexpired term. The Directors appointed shall, within fifteen (15) days after their appointment, qualify by taking the official oath and filing with the Secretary of State of the State of Texas, and obtaining his approval thereon, a good and sufficient bond in the sum of \$5,000.00 each, payable to the District, and conditioned upon the faithful

performance of duties as a director."

The amendment was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 12 on Third Reading**

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood
Lane	

**Absent—Excused**

Fuller	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Hudson
Baker	Kazen
Bradshaw	Krueger
Colson	Lane
Crump	Martin
Dies	Moffett
Fly	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff

Reagan	Smith
Roberts	Willis
Rogers	Wood
Secrest	

Absent—Excused

Fuller                      Weinert

**Report of Standing Committee**

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,  
July 1, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 22, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

**Senate Bill 22 Ordered Not Printed**

On motion of Senator Moore and by unanimous consent S. B. No. 22 was ordered not printed.

**Senate Bill 20 on Second Reading**

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 20, A bill to be entitled "An Act empowering any city which heretofore has held an election authorizing the sale of its natural gas system to lease such system and to grant to the lessee or to others an option to purchase such system; prescribing certain conditions under which such contract may be made; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 20 on Third Reading**

Senator Moffett moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Fuller

**Senate Bill 23 on First Reading**

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senators Moore and Dies:

S. B. No. 23, A bill to be entitled "An Act amending Chapter 412, Acts of the 53rd Legislature, Regular Session, 1953, as amended by Chapter 193, Acts of the 54th Legislature, Regular Session, 1956, Chapter 31,

Acts of the 55th Legislature, Second Called Session, 1957, so as to provide certain adjustments in the number of Directors to be appointed from the City of Tyler in the event said City shall be annexed to the District; so as to more definitely establish the boundaries and area of the District; so as to limit the amount of bonds which may be issued by the District supported wholly or partially by taxation; so as to permit stage development of the District's Blackburn Crossing Project; so as to provide the methods and procedures by which any of the three present member cities of the District may be detached therefrom and making permanent the boundaries and areas of the District after the results of the procedures for detachment have been determined so as to provide methods for the payment of outstanding bonds and indebtedness of the District in the event areas are detached; repealing all laws and parts thereof in conflict with this act; providing a severability clause; enacting such other provisions as are incident and relate to the purposes named; and declaring an emergency."

To the Committee on Water and Conservation.

#### Report of Standing Committee

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,  
July 1, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

#### Senate Bill 23 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. B. No. 23 was ordered not printed.

#### Senate Bill 9 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 9, A bill to be entitled

"An Act affirming and protecting the right of the public to use State-owned beaches bordering on the seaward shore of the Gulf of Mexico; providing for severability; and declaring an emergency."

The bill was read second time.

(Senator Aikin in the Chair.)

Senator Baker offered the following Committee Amendment to the bill:

Amend Senate Bill No. 9, Section 1, by adding thereto a final paragraph to be and to read as follows:

"Because of the differences in conditions prevailing, including the existing causeways and highways, access roads, public parks, parking facilities, and developments existing and planned, and the imminence of negotiations for the establishment of a national seashore area with the requirements necessarily attendant upon such establishment, it is further provided that neither this Act, nor any of the provisions thereof, shall be applicable to the State-owned beaches along the Gulf of Mexico extending from the northern most end of Mustang Island to the International boundary line between the United States of America and the Republic of Mexico."

The amendment was read.

Question on adoption of the amendment, yeas and nays were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—15

Aikin	Lane
Baker	Parkhouse
Dies	Phillips
Fly	Reagan
Gonzalez	Weinert
Hazlewood	Willis
Herring	Wood
Hudson	

#### Nays—15

Bradshaw	Moore
Colson	Owen
Crump	Ratliff
Hardeman	Roberts
Kazen	Rogers
Krueger	Secrest
Martin	Smith
Moffett	

#### Absent—Excused

Fuller

Senator Baker offered the following Committee Amendment to the bill:

Amend Senate Bill No. 9, Section 1, by inserting a paragraph immediately before the final paragraph thereof, to read as follows:

"The free and unrestricted rights in ingress and egress requirements specified in this Act shall be deemed to be fully satisfied by access roads and ways, now existing, or which by or with the approval of any governmental authority having jurisdiction, may be provided in the future."

The Committee Amendment was read and was adopted.

(President in the Chair.)

Senator Baker offered the following Committee Amendment to the bill.

Amend S. B. 9 by adding at the end of Section 1 the following words:

"Nothing in this section shall apply to continuation of fences for the retention of livestock across sections of beach which are not accessible to motor vehicular traffic by public road or by beach."

The Committee Amendment was read and was adopted.

Senator Ratliff moved to reconsider the vote by which Committee Amendment No. 1 failed of adoption (Senator Ratliff having voted on the prevailing side).

The motion to reconsider prevailed by the following vote:

Yeas—16

Aikin	Lane
Baker	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hazlewood	Weinert
Herring	Willis
Hudson	Wood

Nays—14

Bradshaw	Moffett
Colson	Moore
Crump	Owen
Hardeman	Roberts
Kazen	Rogers
Krueger	Secrest
Martin	Smith

Absent—Excused

Fuller

Question—Shall Committee Amendment No. 1 be adopted?

Yeas and nays were demanded.

Committee Amendment No. 1 was adopted by the following vote:

Yeas—16

Aikin	Lane
Baker	Parkhouse
Dies	Phillips
Fly	Ratliff
Hardeman	Reagan
Hazlewood	Weinert
Herring	Willis
Hudson	Wood

Nays—14

Bradshaw	Moffett
Colson	Moore
Crump	Owen
Gonzalez	Roberts
Kazen	Rogers
Krueger	Secrest
Martin	Smith

Absent—Excused

Fuller

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 9 by striking out all the whereas clauses.

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill 9 by striking out all of Section 3 and inserting in lieu thereof the following:

"Section 3. The fact that, over the centuries, the colonial governments of Spain and Mexico, the Republic of Texas, and our sovereign State have all held in trust for the people of Texas ownership of the beaches bordering on the seaward shore of the Gulf of Mexico; and this legal claim has been buttressed and reinforced by the fact that through long years of custom and usage, the people of Texas have acquired prescriptive rights to free and unrestricted use of such State-owned beaches; and the Supreme Court of Texas has, by its decision in the Luttess Case, cast a cloud of uncertainty and confusion over the rights of the people of Texas to enter, use and enjoy such State-owned beaches; and there is an urgent and imperative need to affirm the public policy of this State in re-

gard to the right of the public to the free and unrestricted use and enjoyment of the State-owned beaches bordering on the seaward shore of the Gulf of Mexico, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Gonzalez offered the following amendment to the bill:

Amend S. B. 9 by adding Sec. 1-A, to read as follows:

Sec. 1-A. Nothing herein shall in any way reduce, limit, constrict, or vitiate the definition of public beaches as defined from time immemorial in law and custom.

The amendment was adopted.

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 9 on Third Reading

Senator Baker moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of the above bill.

#### Senate Bill 19 on Second Reading

On motion of Senator Dies and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 19, A bill to be entitled "An Act to diminish the civil jurisdiction of the County Courts of the Counties of Sabine and San Augustine, Texas, and conform the jurisdiction of the First Judicial District Court to such change; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 19 on Third Reading

Senator Dies moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fuller

The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

Fuller

**Senate Bill 10 Ordered Not Printed**

On motion of Senator Fly and by unanimous consent S. B. No. 10 was ordered not printed.

**Senate Bill 10 on Second Reading**

On motion of Senator Fly and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 10, A bill to be entitled "An Act amending Section 6, Senate Bill 222, Fifty-fifth Legislature, Regular Session, providing for the removal of offices, and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill 10 on Third Reading**

Senator Fly moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Colson
Bradshaw	Crump

Dies	Owen
Fly	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Martin	Willis
Moffett	Wood
Moore	

**Absent**

Baker

**Absent—Excused**

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

**Absent**

Baker

**Absent—Excused**

Fuller

**Senate Bill 21 on Second Reading**

On motion of Senator Hudson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 21, A bill to be entitled "An Act authorizing the Board of Directors of any water improvement district, water control and improvement

district or irrigation district, in its discretion, to contract in writing in advance to waive any immunity of such district from liability for torts or negligence of agents of such district in certain cases and circumstances; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 21 on Third Reading

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

#### Nays—1

Rogers

#### Absent

Baker Hazlewood

#### Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—21

Aikin	Martin
Colson	Moffett
Dies	Moore
Herring	Owen
Hudson	Parkhouse
Kazen	Phillips
Krueger	Ratliff
Lane	Reagan

Roberts  
Secrest  
Smith

Willis  
Wood

#### Nays—6

Bradshaw  
Crump  
Fly

Gonzalez  
Hardeman  
Rogers

#### Absent

Baker  
Hazlewood

Weinert

#### Absent—Excused

Fuller

#### Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,  
July 1, 1959.

To the Senate of the Fifty-Sixth Legislature, Second Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the District Court of the 135th Judicial District, to fill the unexpired term of Judge Frank W. Martin, deceased: Frank H. Crain of Victoria, Victoria County.

Respectfully submitted,  
PRICE DANIEL  
Governor of Texas

#### Senate Concurrent Resolution 5

Senator Reagan offered the following resolution:

S. C. R. No. 5, Granting National Car Rentals of Corpus Christi permission to sue the State of Texas.

Whereas, National Car Rentals of Corpus Christi, Inc., is duly incorporated under the laws of Texas; and

Whereas, On April 7, 1959, an automobile accident occurred involving a Texas Highway Department pickup truck and a National Car Rentals of Corpus Christi's 1959 Chevrolet automobile about one mile west of the Corpus Christi city limits, on Highway 44; and

Whereas, Due to the negligence on the part of the Texas Highway Department, the said National Car Rent-



als of Corpus Christi, Inc., has incurred substantial damages, costs and expenses for which, if the claim is established as alleged, the Texas Highway Department is liable; and

Whereas, It is the policy of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that National Car Rentals of Corpus Christi, Inc., be and is hereby granted permission to bring suit against the Texas Highway Department and the State of Texas in any court of competent jurisdiction to determine the amount of money to which said corporation may be entitled as a result of the alleged

negligence previously specified; and be it further

Resolved, That nothing herein contained shall be construed as an admission of liability against the State, and the facts upon which the plaintiff may seek to recover must be proved as in any other case. Service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Chairman of the Texas Highway Commission.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Adjournment

On motion of Senator Hardeman the Senate at 12:17 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**In Memory of**  
**Mrs. Julia Ullrich**

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Senator Krueger offered the following resolution:

(Senate Resolution 31)

Whereas, On June 19, 1959, the City of Hallettsville lost one of its most beloved and best known citizens in the passing of Mrs. Julia Ullrich; and

Whereas, This gracious lady was born in Hallettsville on September 7, 1886 and was a life-long resident of that city; and

Whereas, In 1907 Mrs. Ullrich, the former Julia Kunze, became the bride of J. F. Ullrich in solemn ceremonies in the Catholic Church in Hallettsville; and

Whereas, Mrs. Ullrich was a member of the Catholic Daughters of America and the Christian Mothers; and

Whereas, Mrs. Ullrich was a devoted mother whose wisdom in the rearing of her children is reflected in the useful and successful lives of her son and daughter; and

Whereas, She was an inspiration to all who knew her and will be long remembered by the many people who were privileged to know her; and

Whereas, Her life is a testimonial to the importance of Christian living; and

Whereas, Mrs. Ullrich is survived by her son, C. E. Ullrich of Wichita Falls; her daughter, Mrs. Paul Renger of Hallettsville, and two sisters, Mrs. Mary Gerdes of Hallettsville and Mrs. Rosa Werner of Hallettsville, and five grandchildren; and

Whereas, It is the desire of the Senate of the State of Texas to recognize the worthy life of Mrs. Julia Ullrich and to express sympathy to her family; now, therefore, be it

Resolved, That when the Senate adjourns today it do so in her memory and that a page in the permanent journal of the Senate be set aside as a memorial to her; and be it further

Resolved, That an enrolled copy of this Resolution be sent to members of her family as a token of sympathy and respect.

The resolution was read and was adopted by a rising vote of the Senate.